

FILED
Clerk
District Court

MAY 30 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JOHN S. PANGELINAN,)	Civil No. 07-0027
)	Criminal No. 06-00012
Plaintiff)	
)	ORDER DISMISSING
v.)	THIRD 28 U.S.C. § 2255
)	MOTION and DENYING
UNITED STATES OF AMERICA,)	CERTIFICATE OF
)	APPEALABILITY
Defendant)	
_____)	

THE COURT has before it yet another¹ “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody,” amended by

¹ On August 22, 2007, the court received plaintiff’s pro se 28 U.S.C. § 2255 motion. On September 6, 2007, the court denied the motion, *without* deeming it to be plaintiff’s first § 2255 petition. On September 25, 2007, the court received plaintiff’s motion for reconsideration, which the court denied on October 11, 2007. On October 25, 2007, the court received plaintiff’s petition for a writ of coram nobis, declaratory judgment, and for 28 U.S.C. § 2255 relief. On October 29, 2007, the court denied the motion as moot, finding that plaintiff was no longer “in custody” for purposes of 28 U.S.C. § 2255. On November 13, 2007, plaintiff filed a notice of appeal of the court’s October 29, 2007, order denying his first petition for 28 U.S.C. § 2255 relief.

1 petitioner Pangelinan to add "*Petition for Writ of Coram Nobis and for Declaratory Judgment,*
2 *and for Other Relief.*" The petition was filed yesterday, May 29, 2008.² The petition was
3 allowed to be filed in error, since the court's order of December 3, 2007, stated that
4 the court would "accept no further filings in this matter unless and until directed to
5 do so by the Ninth Circuit." Since the error was the court's, it will address the
6 petition.
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9 This matter is presently pending before the U.S. Court of Appeals for the
10 Ninth Circuit as Court of Appeals Docket No. 07-17395. As per the January 28,
11 2008, order of that court granting petitioner's request for a certificate of appealability,
12 counsel was appointed for petitioner Pangelinan on January 29, 2008. Petitioner's
13 counsel, Steven P. Pixley, entered his appearance and on April 24, 2008, filed a brief
14 on behalf of petitioner.
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17 Because the matter is pending before the Ninth Circuit, and because this
18 petition presents nothing but another collateral challenge to this court's judgment in
19 *Trinidad v. Pangelinan*, Civil No. 97-0073 (D. N.M.I. 1997),³ it is denied, as is any
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22 ² Petitioner is once again incarcerated. The petition makes scant mention of,
23 and in no way relies upon, the May 19, 2008, revocation judgment of petitioner's
24 supervised release.

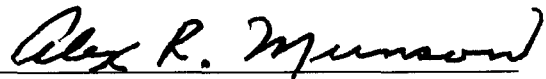
25 ³ Judicial notice may be taken of the records and files in all these matters:
26 *Angelito Trinidad, et al. v. John S. Pangelinan, et al.*, No. 97-0073 (D. N.M.I.), and its
numerous related appeals, 32 Fed.Appx. 357 (C.A.9 (N.M.I.)), Numbers 00-15697,
00-15705, 00-16630, 01-16622, and 54 Fed.Appx. 470 (C.A.9 (N.M.I.)), No. 02-

1 motion for a certificate of appealability.

2 The Clerk of Court is directed to accept no further filings in this matter from
3 Pangelinan, unless and until directed to do so by the U.S. Court of Appeals for the
4 Ninth Circuit.
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6 IT IS SO ORDERED.

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8 DATED this 30th day of May, 2008.
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12 ALEX R. MUNSON

13 Chief Judge
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21 16013; the first civil damages action filed against Chief Judge Munson, among
22 others, by the plaintiff, *Pangelinan v. Munson, et al.*, D.C. No. CV-02-0025 (D. N.M.I.),
23 and its related appeals, 54 Fed.Appx. 472 (C.A.9 (N.M.I.)), No. 02-16884; the
24 second damages action filed against Chief Judge Munson, among others, by the
25 plaintiff, *Pangelinan v. Munson, et al.*, D.C. No. 1:04-CV-0010 (D. N.M.I.); and, the
26 third damages action filed against numerous federal employees and private
individuals, *Pangelinan v. Wiseman, et al.*, D.C. No. 1:08-CV-0004 (D. N.M.I.).
PACER reveals a total of seventeen appeals related to matters having their genesis
in the judgment in Civil No. 97-0073.